

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DEBRA FISHER LARUE,

Plaintiff,

v.

CIVIL ACTION NO. 1:04-0396

VANESSA ADAMS, Warden,
FPC Alderson,

Defendant.

MEMORANDUM OPINION

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on July 22, 2004, in which he recommended that the District Court deny plaintiff's motion for habeas relief, dismiss plaintiff's application for habeas relief with prejudice, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C.A. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). On August 4, 2004,

plaintiff filed objections to the Magistrate Judge's Findings and Recommendation.

In her application, plaintiff requests placement in a halfway house for the last six months of her incarceration. The court notes that dismissal of plaintiff's application as moot is appropriate because plaintiff has already completed her term of incarceration and was released on December 9, 2004. See Spencer v. Kemna, 523 U.S. 1, 7 (1998); Lopez v. Federal Bureau of Prisons, 2006 WL 219607, *1 (D. Puerto Rico 2006). Accordingly, because no case or controversy presently exists in this case, the court hereby **DENIES** plaintiff's motion for habeas relief as moot, **DISMISSES** plaintiff's application, and directs the Clerk to remove this case from the court's active docket. A judgment order consistent with this opinion will be filed this day.

The Clerk is directed to forward a copy of this Memorandum Opinion to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 12th day of June, 2006.

ENTER:

David A. Faber
David A. Faber
Chief Judge